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TO: Commissioner for Patents  
Attn: Examiner Harry B. Tanner  
P.O. Box 1450  
Alexandria, VA 22313-1450

FROM: John G. Shudy, Jr.

OUR REF: H0005578(1161.1125101)  
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Total pages, including cover letter: 12**PTO FAX NUMBER 703-872-9306**

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Title of Document Transmitted: Response to Restriction Requirement dated 12-1-04  
Applicant: Michael A. Pouchak  
Serial No.: 10/643,376  
Filed: August 18, 2003  
Group Art Unit: 3744  
Our Ref. No.: H0005578(1161.1125101)  
Confirmation No. 3616

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By: John G. Shudy, Jr.  
Name: John G. Shudy, Jr.  
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Name: Lynn Thompson

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December 28, 2004  
Date

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Pouchak Confirmation No.: 3616  
Serial No.: 10/643,376 Examiner: Harry B. Tanner  
Filing Date: August 18, 2003 Group Art: 3744  
For: THERMOSTAT HAVING MODULATED AND NON-MODULATED PROVISIONS  
Docket No.: H0005578 (1161.1125101)

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment  
Assistant Commissioner for Patents  
PO Box 1450  
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## CERTIFICATE OF FACSIMILE TRANSMISSION

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This is in response to the Restriction Requirement mailed  
December 1, 2004, with a statutory period set to expire on  
January 1, 2005. This response is being filed within the set  
period such that no extension of time is necessary.

In response to the Examiner's Restriction Requirement,  
Applicants hereby elect Group I, claims 33-46 and claims 53-63.

Amendments to the claims are reflected in the listing of  
claims which begins on page 2 of this paper.